

On December 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11935. Adulteration of canned salmon. U. S. v. 450 Cases of Repeater Brand Pink Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16650. S. No. C-3672.)**

On July 20, 1922, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 450 cases of Repeater brand pink salmon, at San Antonio, Tex., alleging that the article had been shipped by the Bellingham Canning Co., from Bellingham, Wash., November 19, 1921, and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Repeater Brand \* \* \* Pink Salmon One Pound Net Guaranteed By P. E. Harris & Co. Packed in U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed, filthy, and putrid animal substance.

On April 20, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11936. Adulteration of walnut meats. U. S. v. 2 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17327. I. S. No. 11328-v. S. No. W-1342.)**

On March 9, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 cases of walnut meats, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Magnus Fruit Products Co., San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on or about February 15, 1923, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dark Amber 50 Lbs. Net Magnus Fruit Prod. Co. \* \* \* San Francisco, Cal."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On April 30, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11937. Misbranding of apples. U. S. v. Paul McKercher. Plea of guilty. Fine, \$25. (F. & D. No. 16967. I. S. No. 11184-t.)**

On April 13, 1923, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Paul McKercher, White Salmon, Wash., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 27, 1922, from the State of Washington into the State of Oregon, of a quantity of apples which were misbranded. The article was labeled in part: (Box) "Weight about 50 lbs. net when packed. Grown and Packed by Paul McKercher White Salmon, Wash."

Examination of the article by the Bureau of Chemistry of this department showed that the average net weight of 4 boxes was 40 pounds 12½ ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Weight about 50 lbs. net when packed," borne on the boxes containing the said article, was false and misleading in that the said statement represented that each of the boxes contained 50 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said boxes contained 50 pounds net of the article, whereas, in truth and in fact, each of said boxes did not contain 50 pounds net of the article but did contain a less